

1652
H/B

Practitioner's Docket No. U 012121-2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Maarten Hendrik STUIVER, et al.
Application No.: 09/258,031 Group No.: 1652
Filed: February 25, 1999 Examiner: R. Hutson
For: ANTIFUNGAL PROTEINS, DNA CODING THEREFORE, AND HOSTS INCORPORATING
SAME

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

STATUS INQUIRY

1. More than 9 months have passed since

- ☐ **NEW APPLICATIONS**
the filing of this application on _____
No communication has been received from the Patent and Trademark Office indicating
action on this application.
- ☒ **AMENDED APPLICATIONS**
the payment of the Issue Fee on February 23, 2004.
No further communication has been received from the Patent and Trademark Office.
- ☐ **APPEALED APPLICATION**

The Appeal Brief was filed on _____

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. 1.8(a)

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TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office. to **(703) 872-9306**

Date: November 29, 2004

Signature

William R. Evans

(type or print name of person certifying)

** Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

(check and complete applicable items below)

- ☐ An Examiner's Answer was mailed on _____
- ☐ A Reply to the Examiner's Answer was submitted on _____
- ☐ ALLOWED APPLICATIONS
the mailing of FORM POL-327 and/or Examiner's Amendment on _____

2. Kindly advise the undersigned of the present status of this application, by checking the appropriate box below. **A stamped return-addressed envelope is provided.**

NOTE: M.P.E.P. § 203.08 Status Inquiries, 8th Edition, cautions as to the submission of status inquiries as follows:

NEW APPLICATION

Current examining procedures now provide for the routine mailing from the Technology Centers (TCs) of Form PTOL-37 in every case of allowance of an application. Thus, the mailing of a form PTOL-37 in addition to a formal Notice of Allowance (PTOL-85) in all allowed applications would seem to obviate the need for status inquiries even as a precautionary measure where the applicant may believe his or her new application may have been passed to issue on the first examination. However, as an exception, a status inquiry would be appropriate where a Notice of Allowance is not received within three months from receipt of form PTOL-37.

Current examining procedures also aim to minimize the spread in dates among the various examiner dockets of each art unit and TC with respect to actions on new applications. Accordingly, the dates of the "oldest new applications" appearing in the Official Gazette are fairly reliable guides as to the expected time frames of when the examiners reach the applications or action.

Therefore, it should be rarely necessary to query the status of a new application.

AMENDED APPLICATIONS

Amended applications are expected to be taken up by the examiner and an action completed within two months of the date the examiner receives the application. Accordingly, a status inquiry is not in order after reply by the attorney until 5 or 6 months have elapsed with no response from the Office. A postcard receipt for replies to the Office actions, adequately and specifically identifying the papers filed, will be considered prima facie proof of receipt of such papers. Where such proof indicates the timely filing of a reply, the submission of a copy of the postcard with a copy of the reply will ordinarily obviate the need for a petition to revive. Proof of receipt of a timely reply to a final action will obviate the need for a petition to revive only if the reply was in compliance with 37 C.F.R. 1.113.

Reg. No.:


SIGNATURE OF PRACTITIONER

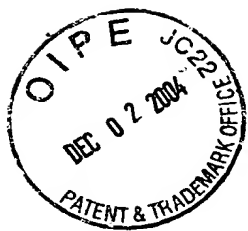
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STATUS INQUIRY REPLY

APPLICATION SERIAL NO. _____ IS CURRENTLY

- ☐ ASSIGNED TO GROUP _____ AND AWAITS:
 - ☐ ACTION BY THE EXAMINER.
 - ☐ APPLICANT'S RESPONSE TO THE OFFICE ACTION MAILED

APPEAL NO. _____

- ☐ IS AWAITING ACTION BY THE BOARD OF PATENT APPEALS AND INTERFERENCES
 - ☐ DATE OF HEARING EXPECTED _____.
 - ☐ DECISION EXPECTED _____.